
SENATE BILL No. 99

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22-10-2.5; IC 34-30-2-56.2.

Synopsis: Immunity for hunting and fishing accidents. Provides that the owner or possessor of a premises is immune from civil liability for an act or omission causing injury to a person hunting, fishing, or trapping on the premises (except when the owner or possessor is grossly negligent or commits willful or wanton misconduct). Provides that this immunity applies instead of the attractive nuisance doctrine.

Effective: July 1, 2004.

Waterman

January 6, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 99

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-22-10-2.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.5. (a) A person who
3 goes upon or through the premises, including caves, of another:

4 (1) with or without permission; and

5 (2) either:

6 (A) without the payment of monetary consideration; or

7 (B) with the payment of monetary consideration directly or
8 indirectly on the person's behalf by an agency of the state or
9 federal government;

10 for the purpose of hunting, fishing, trapping, or preparing to hunt, fish,
11 or trap, does not have an assurance that the premises are safe for that
12 purpose.

13 (b) **Except as provided in subsection (d), the owner or possessor**
14 **of the premises does not:**

15 ~~(1) assume responsibility; or~~

16 ~~(2) incur liability;~~

17 **for an injury to a person or property caused by an act or failure to act**

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of other persons using the premises: is immune from civil liability for an act or omission causing:

(1) injury to a person described in subsection (a); or

(2) damage to property, if:

(A) the property is owned by a person described in subsection (a); or

(B) the damage is caused by a person described in subsection (a).

(c) This section does not affect Indiana case law on the liability of owners or possessors of premises with respect to the following:

(1) business invitees in commercial establishments.

(2) The attractive nuisance doctrine.

(d) This section does not excuse the owner or occupant possessor of premises from liability for injury to a person or property caused by a malicious or an illegal act or omission of the owner or occupant possessor of the premises that constitutes gross negligence or willful or wanton misconduct.

SECTION 2. IC 34-30-2-56.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 56.2. IC 14-22-10-2.5 (Concerning owners and possessors of premises used by persons for hunting, fishing, or trapping).**

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